



*Many Voices Working for the Community*

# Oak Ridge Site Specific Advisory Board

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October 11, 2001

Mr. Rod Nelson  
Assistant Manager for Environmental Management  
DOE-Oak Ridge Operations  
P.O. Box 2001, EM-90  
Oak Ridge, TN 37831

Dear Mr. Nelson:

**Recommendations on Explanations of Significant Difference for CERCLA Records  
of Decision at the U.S. Department of Energy Oak Ridge Reservation**

At our October 10, 2001, meeting, the Oak Ridge Site Specific Advisory Board approved the enclosed recommendations.

We appreciate your consideration of our recommendations and look forward to receiving your written response.

Sincerely,

A handwritten signature in black ink that reads "Luther V. Gibson, Jr.".

Luther V. Gibson, Jr.  
Chair

Enclosure

cc: Pat Halsey, DOE-ORO  
Connie Jones, EPA Region 4  
John Owsley, TDEC



**Oak Ridge Site Specific Advisory Board**  
**Recommendations on Explanations of Significant Difference for**  
**CERCLA Records of Decision**  
**at the U.S. Department of Energy Oak Ridge Reservation**

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## **BACKGROUND**

In November 1999, DOE published the *Record of Decision for Disposal of Oak Ridge Reservation CERCLA Waste, Oak Ridge, Tennessee* (DOE/OR/01-1791&D3), which presents, as part of the selected remedy for disposal of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) waste, an on-site waste disposal facility [the Environmental Management Waste Management Facility (EMWMF) in Bear Creek Valley].

In that Record of Decision (ROD), classified waste streams from Oak Ridge Reservation (ORR) CERCLA response actions were not considered for disposal in EMWMF.

In May 2001, DOE published the *Explanation of Significant Difference from the Remedy in the Record of Decision for Disposal of Oak Ridge Reservation CERCLA Waste, Oak Ridge, Tennessee* (DOE/OR/01-1905&D2). The purpose of the Explanation of Significant Difference (ESD) was to announce that EMWMF will receive classified waste streams from CERCLA response actions and to provide an explanation of why this change was being made.

Under CERCLA Sect. 117(c), DOE is required to publish an ESD when there is a significant change to a component of a remedy specified in a ROD. The Tennessee Department of Environment and Conservation has approved the ESD, but the U.S. Environmental Protection Agency has yet to sign off on the document.

The basis for the ESD is that at the time DOE performed the evaluation of disposal options for ORR CERCLA waste, only a small amount of classified waste was predicted. This was based in part on assumptions that classified debris from building decontamination and decommissioning would be recycled and that classified waste in burial grounds would be managed in place. Under these assumptions, it was thought to be more cost-effective to sanitize or transport these small quantities of classified waste off site than make EMWMF a classified waste disposal facility.

The moratorium on recycling contaminated materials, subsequent waste generation forecasts, and a revised cost-benefit analysis showed that upgrading EMWMF for classified waste would result in significant cost savings, so DOE elected to proceed with an ESD.

## **DISCUSSION**

During ORSSAB deliberation of the ESD, it came to the attention of the Board that many stakeholders were unaware of this issue as it was being developed. ORSSAB believes that any change in a ROD sufficient to warrant an ESD is also sufficient to warrant reasonable public notification and information. To this end, the Board recommends that DOE take the following actions for all future ESDs.

## **RECOMMENDATIONS**

We recommend that DOE seek early public input on potential issues for which an ESD or ROD amendment may become required.

We recommend that DOE provide broad public notification of the intent to prepare an ESD at the earliest possible date so that public issues and concerns can be considered in the preparation of the ESD. This notification should at a minimum include a general notice and specific notification to all stakeholder groups who monitor DOE issues on a regular basis.

We recommend that DOE develop a fact sheet that clearly explains the rationale behind the ESD and the potential impacts on the original decision.

We recommend that DOE provide an opportunity for stakeholders to provide input to the ESD process.